

Call to Order:

The meeting was called to order at 7:30 p.m. Present were Chair Zach Bergeron, members Vincent Chiozzi (arrived at 7:36 p.m.), Jay Doherty, Joan Duff, and Eric Macaux; also present was Paul Materazzo, Director of Planning.

Krafton Way - 9 Union Street:

Mr. Bergeron opened the public hearings that were continued from the June 24th meeting on an application filed by Richard and Diane Krafton for a Definitive Subdivision Plan, a Special Permit for Earth Movement and a Special Permit for Disturbance of Slopes in Excess of 35% for a 2-lot subdivision to be located at 9 Union Street and to be known as Krafton Way.

Jack McQuilkin of JM Associates, the engineer representing the applicant, updated the Board on changes that were made to the plan per department and peer reviewer comments. An asphalt curb will now replace the grass berm on the south side of the pavement per DPW, Board of Health and the peer reviewer, ESS Group. A guardrail has been added to the plan along the 3:1 slope, but it will be a field decision by the Town during construction as to if it is installed. DPW asked that the plan show the topography on the property line with Chinmaya Mission, so the plan has been updated to show that topography. Sheet 6 has been added to the plan set which details the infiltration field. Overflow pipes were added to infiltration fields 1 and 2 which will direct water down a swale to the wetlands. The O&M plan has been updated to incorporate the swales and some additional requirements of the DPW. Mr. McQuilkin stated that he received comments back from Mo Gray at the water department today and revised the plan to show that the water pipe in Union Street right of way and at the last 10 feet to the home will be copper, not the plastic tubing of the rest of the water service. He stated that Mr. Gray has confirmed that all of his comments have been satisfied in an email sent today.

Mr. Materazzo informed the Board that the Town Engineer is still questioning the waivers, specifically if additional waivers should be granted to the local street regulations. He added that the Board should consider all waivers on a site by site basis, and decide if any of the waivers are above and beyond what the Board could consider. He suggested that Ms. Byerley have another conversation with Brian Moore, the Town Engineer, to talk it through and report back at the next meeting. Mr. Bergeron asked if Mr. Moore's thought process is that he doesn't want to grant further leniency from the already reduced local street classification. Mr. Materazzo stated that he was correct, but the Board also has the ability to use their discretion in granting waivers in site specific cases.

Ms. Duff stated that she would be interested in knowing if Mr. Moore would be more comfortable with the waivers if the road curved. Mr. McQuilkin stated that Mr. Moore suggested a 60 degree entrance plan which would push the right of way over and center most of the pavement. This would cause the existing barn to have to be razed, the house to be built further back to meet the setbacks, which would then put the new house in the 100 foot buffer zone and cause a disturbance of the 35% slope on the north side of the property. This would also now create Parcel A which would be about 15,000 s.f. of unusable land. Waivers would still be needed for the turn radius and the centering of the pavement, because the pavement could not be centered down the entire right of way. Mr. Materazzo asked if this 60 degree plan would only eliminate one waiver and Mr. McQuilkin stated that this plan would only achieve centering the

Krafton Way - 9 Union Street (cont'd):

pavement for most of the roadway, but the pavement would still not be centered throughout and you would still need all of the waivers. He added that the applicant is concerned that a 60 degree entrance to the right of way would be mistaken by drivers as the onramp to Interstate 495.

Mr. Macaux stated that in all due respect to DPW it seems like the type of situation where these waivers should be granted. He added that he wasn't sure what could be gained by centering the pavement.

Richard Krafton of 9 Union Street, the applicant, stated that he has lived at the property for 40 years and reiterated that he is very concerned that a 60 degree entrance would cause an accident. Someone could easily mistake the right of way for the Interstate 495 onramp and may cause a head on accident for someone in his family, or his grandchildren playing in the driveway could be hurt. He would like the Board to take into consideration that this plan could cause a real hazard.

Mr. Chiozzi asked if they would need a construction easement from Chinmaya Mission to do the slope on the south of the property and Mr. Krafton stated that they would not.

On a motion by Mr. Macaux seconded by Mr. Doherty the Board moved to continue the public hearing on Krafton Way 9 Union Street to July 22, 2014 at 7:45 p.m. **Vote:** Unanimous (5-0).

Other Business:

Mr. Materazzo informed the Board that staff is working on parking relief, the Historic Preservation Special Permit and restaurant uses for Town Meeting 2015. The Selectmen are engaged in a process to revisit the Town Yard. Weston and Sampson will be giving a presentation of options at the July 21st Board of Selectmen meeting. The presentation will cover the cost of rebuilding at Lewis Street or building elsewhere. He added that a subcommittee will probably be formed and he encourages a member of the Board to join the subcommittee. Mr. Chiozzi asked if they rebuilt at Lewis Street, if the site was even big enough for what the Town needs. Mr. Materazzo stated that he was correct that a new building on the current site would be too small. The current building was built in the 1960s as a temporary facility and Andover's population and miles of roads have grown exponentially since then. The Selectmen are looking to have a solution for next year. There was a discussion on the condition of the Town Yard. Mr. Materazzo noted that during storm events, all of the equipment is taken out of the building and the doors are opened up because the buildings can't sustain the high winds. Mr. Macaux asked if it could come to the point that the building would become uninsurable. Mr. Doherty stated that the Town Yard is part of a blanket insurance of all Town buildings, but they may be able to give you a fight over it, or take collapse coverage out of the policy. He added that the worst thing that could happen is if the building collapsed with employees in it, they could sue the Town for unsafe working conditions and practices.

It should be noted that Ms. Duff left the meeting at 7:58 p.m. and did not return.

Executive Session

At 7:59 p.m. the Mr. Macaux motioned to adjourn the Open Session and to go into Executive Session to discuss the minutes of the Executive Session held on December 3, 2013 which included confidential communications with Town Counsel for legal advice, and to discuss litigation strategy in the case of Lyons v. Andover Planning Board and that the Chairman declare that an Open Session would be detrimental to the Town's litigation strategy position, and not to return to Open Session. The Chairman so declared that an Open Session would be detrimental to the Town's litigation position. Roll Call: Mr. Macaux yes, Mr. Doherty yes, Mr. Chiozzi yes, and Mr. Bergeron yes.

Adjournment: The meeting was adjourned at 7:59 p.m.